

May 17, 2005
Case No.: AUS920010712US1 (9000/61)
Serial No.: 10/044,997
Filed: January 10, 2002
Page 9 of 10

-- REMARKS --

Claims 1-32 remain under consideration. No new matter has been added with the amendments to claims 1, 13 and 23. Claims 3, 14, and 24 have been amended to correct a typographical error, and not to avoid any reference, obviating the Examiner's §112 rejection.

The Examiner rejected claims 1-32 as anticipated under 35 U.S.C. §102(e) by Dutta

The §102(e) rejection of claims 1-32 is traversed. In order to maintain this §102(e) rejection, each and every element of the claimed invention must be disclosed in as great detail by the reference. Because the reference does not disclose each and every element, this rejection must fall.

Dutta does not disclose "the discovery command including a time to live value indicative of the number of times that the discovery command is forwarded prior to communication expiration" or "the information including an IP address and a port number on which each peer node can accept incoming connections, and wherein each node waits for a predetermined ping time out delay between communicating a subsequent discovery command" as claimed in claims 1, 13 and 23.

At most, Dutta discloses that a Gnutella network communicates "information topology" between nodes, but not a "time to live value" nor that each node waits for a predetermined ping time out delay between communicating a subsequent discovery command.

Withdrawal of the rejections to claims 1, 13, and 23, and claims 2-12, 14-22, and 24-32 depending therefrom is respectfully requested.

May 17, 2005
Case No.: AUS920010712US1 (9000/61)
Serial No.: 10/044,997
Filed: January 10, 2002
Page 10 of 10

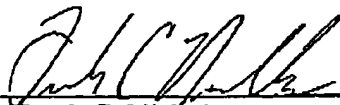
CONCLUSION

The Applicants respectfully submit that claims 1-32 fully satisfy the requirements of 35 U.S.C. §§102, 103 and 112. In view of the foregoing, favorable consideration and early passage to issue of the present application is respectfully requested.

Dated: May 17, 2005

Respectfully submitted,
CRAIG H. BECKER, ET AL.

CARDINAL LAW GROUP
Suite 2000
1603 Orrington Avenue
Evanston, Illinois 60201
Phone: (847) 905-7111
Fax: (847) 905-7113



Frank C. Nicholas
Registration No. 33,983
Attorney for Applicants